Supreme Court, U. S.
FILED
DEC 16 1977
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States.

OCTOBER TERM, 1977.

No. 77-701.

ALEXANDER T. ARTHURS, M.D.,
PETITIONER,
v.
CHRIS O. STERN,
AS SHE IS EXECUTIVE SECRETARY OF THE BOARD OF REGISTRATION AND DISCIPLINE IN MEDICINE OF THE COMMONWEALTH OF MASSACHUSETTS,
AND
THE MEMBERS OF THE BOARD OF REGISTRATION AND DISCIPLINE IN MEDICINE,
AND
THE DIVISION OF HEARING OFFICERS OF SAID COMMONWEALTH,
RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT.

Attachments A and B to Respondents' Brief in Opposition to Certiorari.

FRANCIS X. BELLOTTI,
Attorney General,
S. STEPHEN ROSENFELD,
Assistant Attorney General,
Chief, Government Bureau,
One Ashburton Place,
Boston, Massachusetts 02108.
(617) 727-1021

BATEMAN & SLADE, INC. BOSTON, MASSACHUSETTS.

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Commonwealth of Massachusetts

Middlesex, ss. (Criminal) SIXTH Superior Court

~~First Session — Second Session~~ — ~~Third~~ Session

Jury Pool Slip

No. 15922

Justice Maurice Flynn DCJ Presiding

No. 75-1302

COMMONWEALTH

vs.

Alexander T. Arthurs

Stenographer Robert Carroll

Serial No. of Juror	1977 June 8 Jury Impanelled, viz.:
117	Margaret K. Hovanec
83	Reuben R. Eaves, Jr.
227	Harold Lee Simons
204	Karl J. Powers
95	Dorothea A. French
89	Ruth E. Fitts
153	Peter S Manchester
167	Bernard J. McKay
55	Edmund T. Collins Jr.
1	Mary Ellen Kapraloa
203	Ronald Pimentel
156	Russell E. Marks
187	Linda J. Nichols
105	Sylvia E. Green (F)

Vio. C. S. Act (B) (8 counts)
C.94C. S. 19A

COMMONWEALTH

vs.

Alexander T. Arthurs

SUPERIOR COURT, March Sitting, 19 75

Sixth day—Returned by the Grand Jury and filed in Court.

Harold M. Fitts
Ass't Clerk

19 75 March 14 Dfdt. arraigned

and severally pleads NOT guilty ON EACH COUNT.

19 A jury is empaneled, viz.:

19 76 November 15
Continued until January 15, 1977

19 76 December 15
Continued until February 7, 1977

19 77 February 15
Continued until May 16, 1977

for Trial, No further Continuance

1977 May 16
Continued until June 6, 1977 Trial

No further Continuance

1977 June 8
Juror #167 Bernard J. McKay
excused by the Court

1977 June 10
Habeas corpus to testify
issued

1977 June 20
After the charge and before
deliberation Juror
#187 Linda J. Nichols
was withdrawn under
Chapter 234 Sec 26 B as
amended.

Verdict -
Count I - not Guilty
Count II - not Guilty
Count III - not Guilty
Count IV - not Guilty
Count V - not Guilty
Count VI - not Guilty
Count VII - not Guilty
Count VIII - not Guilty
Defendant discharged.
By the Court. John C. Waland
Flynn DCJ Assistant Clerk

Commonwealth of Massachusetts
MIDDLESEX. SS. SUPERIOR COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court, this thirteenth day of December 1977.

Assistant Clerk

"A"

COMMONWEALTH OF MASSACHUSETTS SUPERIOR COURT
MIDDLESEX, SS:

AFFIDAVIT

Now comes Ernest S. DiNisco, being first duly sworn, depose and state the following:

1. I am an Assistant District Attorney for the Commonwealth of Massachusetts, County of Middlesex

2. In that capacity, I have been assigned to represent the Commonwealth in the matters of:

   (a) Commonwealth v. Alexander Arthurs 75-3060; and

   (b) Commonwealth v. Alexander Arthurs 75-3061.

3. I have confirmed with Mr. John Zamparelli, attorney of record for the defendant in the above reference cases, that said cases are scheduled for trial in the Superior Court of Middlesex County on May 1, 1978

Sworn to under the pains and penalties of perjury.

Ernest S. DiNisco
Assistant District Attorney

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS. December 15, 1977

Then personally appeared Ernest S. DiNisco and made oath that he had read the contents of the Affidavit and that the statements therein are true to the best of his knowledge and belief.

Notary Public
My commission expires:
Dec. 16, 1981

"B"

Commonwealth of Massachusetts

MIDDLESEX, TO WIT:

At the SUPERIOR COURT, begun and holden at the CITY OF CAMBRIDGE, within and for the County of Middlesex, on the first Monday of June in the year of our Lord one thousand nine hundred and seventy-five

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present, That Alexander T. Arthurs.

on divers days and dates between the first day of May, in the year of our Lord one thousand nine hundred and seventy-three and ~~on~~ the thirty-first day of March in the year of our Lord one thousand nine hundred and seventy-five at Somerville, in the County of Middlesex aforesaid, did conspire with Clifford Lee also known as Charles Jackson also known as David Jackson, Arthur Januario, Gail Coggins also known as Karen Hill also known as Gail Diamond, Donna Adams also known as Margaret Hill and Cheryl Lee also known as Cheryl Jackson to knowingly or intentionally acquire or obtain possession of controlled substances to wit: Methaqualone and Amphetamines by means of forgery, fraud, deception, or subterfuge.

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Roger Martelli
Foreman of the Grand Jury.

John J. Droney
District Attorney.

D.A.-001

'75- 3060

5

Commonwealth of Massachusetts
MIDDLESEX, SS. SUPERIOR COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court, this thirteenth day of December 1977.

Assistant Clerk

C.94C. S.40 S.33(b)
Conspir.Vio. C. S. Act

COMMONWEALTH

vs.

Alexander T. Arthurs

SUPERIOR COURT. June Sitting, 19 75

8th day—Returned by the Grand Jury and filed in Court.

Paul F. Mahoney
Assistant Clerk.

19 75, June 16 Dfdts. no arraigned and severally plead S not guilty.

19 A jury is empanelled, viz:

[redacted] 76 November 15
Continued [redacted] January 15, 1977

19 76 December 15
Continued until February 7, 1977

77 February 15
Continued until May 16, 1977
for Trial, No further Continuance

77 May 16
Continued until June 6, 1977 Trial
No further Continuance

Commonwealth of Massachusetts

MIDDLESEX, TO WIT:

At the SUPERIOR COURT, begun and holden at the CITY OF CAMBRIDGE, within and for the County of Middlesex, on the first Monday of June in the year of our Lord one thousand nine hundred and seventy-five

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present, That Alexander T. Arthurs

on divers days and dates between the first day of May in the year of our Lord one thousand nine hundred and seventy-three and ~~on~~ the thirty-first day of March in the year of our Lord one thousand nine hundred and seventy-five at Somerville, in the County of Middlesex aforesaid,

did conspire with Clifford Lee, also known as Charles Jackson, and David Jackson, Arthur Januario, Gail Coggins, also known as Karen Hill and Gail Diamond, Donna Adams also known as Margaret Hill and Cheryl Lee also known as Cheryl Jackson, to have issued by Alexander T. Arthurs, a practitioner, prescriptions for controlled substances, to wit: Methaqualone and Amphetamines, not for a legitimate medical purpose in the usual course of his medical practice, said Methaqualone and Amphetamines being Class B controlled substances.

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Foreman of the Grand Jury.

District Attorney.

D A -001

75- 3' 31

C.94C. S.40 S.19 A

Conspir. Vio. C. S. Act.

COMMONWEALTH

vs.

Alexander T. Arthurs

SUPERIOR COURT. June Sitting, 19 75

8th day—Returned by the Grand Jury and filed in Court.

Paul F. Pinkey
Assistant Clerk.

19 75, June 16 Dfdt. in arraigned and severally plead ~~s~~ not guilty.

19 A jury is empanelled, viz:

76 November 15
~~Continued until~~ January 15, 1977

19 76, Dec. 15
Continued until February 15, 1977

19 77, February 15
Continued until May 16, 1977
for Trial, No further continuance

19 77 May 16
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Commonwealth of Massachusetts
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